

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PATRICIA PARADA,

Plaintiff,

v.

WALMART, INC.

Defendant.

Case No. 1:23-cv-00532-NODJ-CDB

ORDER ON STIPULATION TO CONDUCT
INDEPENDENT MEDICAL EXAMINATION
OF PLAINTIFF PURSUANT TO RULE 35
OF THE FEDERAL RULES OF CIVIL
PROCEDURE

(Doc. 16)

On December 20, 2022, Plaintiff Patricia Parada (“Plaintiff”) filed a complaint against Defendant Walmart Inc. (“Defendant”) in the Superior Court of the State of California, County of Kern. (Doc. 1). Plaintiff asserts in the complaint causes of action for negligence and premises liability, arising out of an incident in which Plaintiff claims to have slipped and fallen. *Id.* at 2. On April 5, 2023, Defendant removed the action to this Court. *Id.*

Pending before the Court is the parties’ stipulation to conduct an independent medical examination of Plaintiff pursuant to Rule 35 of the Federal Rules of Civil Procedure. (Doc. 16). The parties represent an examination of Plaintiff will take place on January 30, 2024, at 9:30 a.m. by Dr. Patrick Hill at Rand Jackson Chiropractic located in Bakersfield, California. *Id.* at 1-2. The parties detail the conditions and scope of the examination to be conducted. *Id.* at 2. Further, the parties note Plaintiff shall be responsible for the doctor’s reasonable and customary

1 cancellation fee of up to \$500 should she fail to appear for the scheduled examination, or should
2 she fail to provide notice. *Id.* at 2-3. Specifically, Plaintiff shall have no fee due if the
3 cancelation happens 14 days before the examination, 50% of the fee due if the cancellation
4 happens 7-14 days before the examination, and a \$500 fee if the cancellation occurs less than 7
5 days before the examination. *Id.* at 3.

6 The Court finds the parties' stipulation complies with Fed. R. Civ. P. 35(a)(2)(B).

7 Accordingly, IT IS HEREBY ORDERED, pursuant to Rule 35 of the Federal Rules of
8 Civil Procedure, that Plaintiff shall appear for an independent medical examination consistent
9 with the parties' stipulated terms (Doc. 16) and subject to a cancellation fee as described above.

10 IT IS SO ORDERED.

11 Dated: January 5, 2024

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UNITED STATES MAGISTRATE JUDGE